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07 UNITED STATES DISTRICT COURT  
08 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

09 UNITED STATES OF AMERICA, )  
10 Plaintiff, ) Case No. CR02-443-MJP  
11 v. )  
12 PHUONG D. DUONG, ) SUMMARY REPORT OF U.S.  
13 Defendant. ) MAGISTRATE JUDGE AS TO  
ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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15 An evidentiary hearing on a petition for violation of supervised release was held  
16 before the undersigned Magistrate Judge on October 15, 2008. The United States was  
17 represented by Assistant United States Attorney Ronald Friedman, and the defendant by  
18 Catherine Chaney. The proceedings were digitally recorded.

19 The defendant had been charged and convicted of Conspiracy to Distribute Controlled  
20 Substances, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C). On or about September  
21 5, 2003, defendant was sentenced by the Honorable Marsha J. Pechman to a term of fifty-  
22 seven (57) months in custody, to be followed by three (3) years of supervised release.

23 The conditions of supervised release included the requirements that the defendant  
24 comply with all local, state, and federal laws, and with the standard conditions. Special  
25 conditions imposed included, but were not limited to, substance abuse program, financial  
26 disclosure, no firearms or destructive devices, mandatory drug testing, abstinence from

01 alcohol, search and seizure, 180 days home confinement, maintenance of a single checking  
02 account, disclosure of business interests, disclosure of all assets and liabilities, no new credit,  
03 employment subject to continuous review and verification, no identification in any other  
04 name, and compliance with INS rules and regulations..

05 In a Petition for Warrant or Summons, dated September 26, 2008, U.S. Probation  
06 Officer Michael J. Larson asserted the following violations by defendant of the conditions of  
07 his supervised release:


- 08 (1) Using cocaine on or before June 16, 2008, and September 22, 2008, in  
09 violation of standard condition number seven.
- 10 (2) Failing to participate in the home confinement program with electronic  
11 monitoring as directed by the probation office for a period up to 180 days on  
12 or before September 22, 2008, in violation of his special conditions of  
13 supervised release.

14 On October 3, 2008, defendant made his initial appearance. The defendant was  
15 advised of the allegations and advised of his rights. On October 15, 2008, defendant  
16 appeared for an evidentiary hearing on the alleged violations. Defendant admitted to  
17 violations 1 and 2.

18 I therefore recommend that the Court find the defendant to have violated the terms  
19 and conditions of his supervised release as to violations 1 and 2, and that the Court conduct a  
20 hearing limited to disposition. A disposition hearing on these violations has been set before  
21 the Honorable Marsha J. Pechman on October 30, 2008 at 10:45 a.m.

22 Pending a final determination by the Court, the defendant has been detained.

23 DATED this 15th day of October, 2008.

24   
25 JAMES P. DONOHUE  
26 United States Magistrate Judge

cc: District Judge: Honorable Marsha J. Pechman  
AUSA: Mr. Ronald Friedman  
Defendant's attorney: Ms. Catherine Chaney  
Probation officer: Mr. Michael J. Larson